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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE H.L.DATTU.

WRIT PETITION NO:24854/1993

BETWEEN:

Devadhan  
S/o Mallappa,  
major, Lecturer  
in History,  
Norma Fendrich Pre-  
University College,  
Bidar.

...PETITIONER.

( Sri Basavaprabhu S.Patil Adv., )

AND:

1. State of Karnataka  
by its Secretary,  
Education Department,  
Vidhana Soudha,  
Bangalore.

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: 2 :

2. The Commissioner for  
Public Instructions  
New Public Offices  
Nrupathunga Road,  
Bangalore - 1.

3. The Chief Secretary,  
Zilla Parishad,  
Bidar District,  
Bidar.

4. The Joint Director of  
Public Instructions,  
Gulbarga Division,  
Gulbarga.

5. The Norma Fendrich  
Pre-University College,  
Bidar,  
represented by its  
Secretary.

..RESPONDENTS.

( Sri S.Udaya Shankar Adv., for R-1 to, 4 )

Writ Petition filed under Articles  
226 and 227 of the Constitution of India  
with an affidavit praying to Direct the  
respondents to fix the pay of the petitioner  
in the Scale of Rs. 1900-3650, from 2.6.86

....3.

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the date on which the petitioner was promoted as Lecturer, and grant him all consequential benefits flowing from such fixation & etc.,

Writ Petition is coming on for hearing this day the court made the following:

O R D E R

Petitioner in this writ petition is teaching staff working in aided private educational institutions. He is before this court inter alia seeking directions to the respondents to accord certain service benefits including monetary benefits.

In my view, these reliefs cannot be granted by this court in view of the observations made by a Division Bench of this court in W.A.Nos:1833 to 1836/1995

25) .  
disposed off on 30.5.1998.

This court while considering the issue whether the staff (Teaching and non-teaching) working in educational institutions run by private management can maintain writ petitions to claim financial aid from the State Govt. in the absence of Master and Servant relation and other incidental issues, was pleased to observe that the writ petitions filed by teaching and non teaching staff of private educational institutions are not maintainable before this court.

Respectfully following the observations made in the aforesaid decision, this petition is disposed off as not maintainable before this court for the reliefs sought therein. However, liberty is reserved to the petitioner to approach the proper forum as suggested by this court in

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the aforesaid decision. Ordered accordingly.

Taking into consideration the extraordinary circumstances pleaded by the learned counsel for the petitioner and keeping in view that the State Govt. has not provided an appeal or review or revision forum yet, I deem<sup>e</sup> it proper to continue the interim orders granted by this court till the State Government creates proper forum under the Education Act, for redressal of the grievance of the petitioner.

Sd/- JUDGE.

08.07.1998

FOR BEING SPOKEN TO

By my order dated 30.06.98 I had extended the interim orders made by this court till the State Government provides

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: 6 :

for an appeal or review or revision forum  
if a person is aggrieved by the orders  
made by the State Government or its  
subordinate authorities.

2. Since I have rejected the writ  
petition as not maintainable before this  
court, in view of the decision of the  
Constitution Bench of the Hon'ble Supreme  
Court, it may not be proper for me to extend  
the interim orders granted by this Court.

3. In that view of the matter, the  
last paragraph in the order 30.06.1998  
requires to be deleted.

4. Accordingly, the last paragraph  
in the aforesaid judgment is deleted.  
Ordered accordingly.

Sd/- JUDGE.

BKP

c. by 26/9/98

r. by

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stant Registrar  
rt of Karnataka  
ure-560 001.

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